



# California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair

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Arnold  
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**TO:** Antonia Vorster  
Supervising Engineer

**FROM:** Kenneth Landau  
Assistant Executive Officer

**DATE:** 24 February 2006

**SIGNATURE:**

**SUBJECT:** EXPLANATION OF INTERIM OPERATING LIMITS FOR HILMAR CHEESE PROCESSING FACILITY AS CONTAINED IN PARAGRAPH 5(d) OF THE FEBRUARY 10, 2006 TENTATIVE REVISED SETTLEMENT AGREEMENT BETWEEN THE PROSECUTION STAFF OF THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION, AND THE HILMAR CHEESE COMPANY, INC. AND HILMAR WHEY PROTEIN, INC.

As leader of the Board's Prosecution Team in this matter, I am sending you, as a representative of the Board's Adjudicatory Team, this memorandum that contains an explanation of how the Prosecution Team views the Interim Operating Limits in the tentative revised Settlement Agreement. I request that this memorandum be included in the Agenda Package for this item at the March 2006 Regional Board meeting, or be otherwise transmitted to the Board members and public for their review and consideration.

This document is not part of the Settlement Agreement, but provides an explanation of the purpose and derivation of the Interim Operating Limits contained in Paragraph 5(d) of the Tentative Revised Settlement Agreement (Agreement).

The Regional Board typically imposes interim effluent limits, interim discharge conditions, and other constraints as appropriate in waste discharge requirements and enforcement orders (e.g., cease and desist orders) when an existing discharge cannot achieve compliance with prescribed discharge specifications. The purpose of any interim limit is to establish the threshold that defines whether a discharger is "doing the best it can" until full compliance can be achieved. Interim limits are developed by examining recent operational history of a facility and deriving conditions that the discharger can reasonably meet with the existing treatment systems and operations at the facility. Interim limits generally are set at a level that approximates the current discharge conditions and does not allow for expansions beyond the current discharge at a facility. Interim limits take into account the normal variability of influent wastewater characteristics, treatment system operation, and sampling and laboratory analyses. Interim limits also acknowledge that existing treatment systems may not be as reliable as either the Regional Board or discharger would like, and so must account for some degree of system failure or operational difficulties. Prescribing numeric effluent limits is in part an analysis of existing effluent data, but professional judgment is also applied in setting the final limits. Interim limits remain in effect for a prescribed period of time until an enforceable compliance time schedule requires compliance with final limits. It has been

*California Environmental Protection Agency*